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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Fifth Committee

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I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 35th, 36th and 38th meetings, on 6, 7 and 13 December 2000. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/55/SR.35, 36 and 38).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General containing the proposed resource requirements for 2001 for the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/55/517 and Corr.1 and Add.1);

(b) Report of the Secretary-General containing the annual budget performance report of the Tribunal for the year ended 31 December 1999 (A/55/623);

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(c) Report of the Advisory Committee on Administrative and Budgetary Questions on the proposed requirements for the financing of the Tribunal for 2001 (A/55/642);

(d) Note by the Secretary-General transmitting the report of the Office of Internal Oversight Services on the audit and investigation of the Tribunal (A/54/120).

II. Consideration of draft resolution A/C.5/55/L.15

4. At the 38th meeting, on 13 December, the representative of Norway, coordinator of the informal consultations on the item, introduced, on behalf of the Chairman, a draft resolution entitled "Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991" (A/C.5/55/L.15).

5. At the same meeting, the Committee adopted draft resolution A/C.5/55/L.15 without a vote (see para. 7).

6. Following the adoption of the draft resolution, a statement in explanation of position was made by the representative of Nigeria (see A/C.5/55/SR.38).

III. Recommendation of the Fifth Committee

7. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Taking note of the report of the Secretary-General on the financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,[1] the related report of the Advisory Committee on Administrative and Budgetary Questions[2] and the oral statement made by the Chairman of the Advisory Committee to the Fifth Committee at its 35th meeting, on 6 December 2000,[3]

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the latest of which were resolutions 54/239 A of 23 December 1999 and 54/239 B of 15 June 2000,

[1] A/55/517 and Corr.1 and Add.1.
[2] A/55/642.
[3] See A/C.5/55/SR.35.

Taking note of the report of the Secretary-General on the budget performance of the International Tribunal for the Former Yugoslavia for 1999[4] and the comments of the Advisory Committee thereon,[5]

Taking note also of Security Council resolution 1329 (2000) of 30 November 2000 concerning the establishment of a pool of ad litem judges in the International Tribunal for the Former Yugoslavia,

1. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions,[5] subject to the provisions of the present resolution;

2. *Decides* that the budget of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 shall be biennialized, on an experimental basis, for the period 2002-2003, also decides to keep the matter of the biennialization under review, and requests the Secretary-General to report to the General Assembly at its fifty-eighth session on the results of the experiment and the impact on the functioning of the Tribunal;

3. *Notes with satisfaction* that the benefits of this provisional reform could include the use of two-year employment contracts at the Tribunal;

4. *Welcomes* recent improvements in the functioning of the Tribunal, and encourages continued efforts to address areas where improvement is needed;

5. *Requests* the Secretary-General to provide in his proposed budget, with the involvement of all organs of the Tribunal, workload data for the budget period so as to give more justification for its resource requirements, and also requests the Secretary-General to include in his budget presentation information on budgetary requirements, including targets for recruitment, training, judicial scheduling and performance standards for support activities;

6. *Welcomes* the actions taken so far to address the issue of dilatory motions and pleadings, which have the effect of lengthening trial proceedings, and encourages the Tribunal to take further measures to improve the monitoring and oversight of defence counsel;

7. *Endorses* the recommendation of the Advisory Committee that judicial activities of the Tribunal should have priority over public relations activities and attendance at external meetings;

8. *Decides* to revert, at its resumed fifty-fifth session, to the consideration of resource requirements for the implementation of modifications to the statute of the Tribunal, without prejudice to the nomination and election of the ad litem judges;

9. *Decides* to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of 108,487,700 United States dollars gross (96,443,900 dollars net) for 2001;

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[4] A/55/623.

[5] See A/55/642.

10. *Decides also* that the financing of the appropriation for 2001 under the Special Account shall take into account the unused unencumbered balance of 5,873,600 dollars gross (5,414,300 dollars net) for 1999, interest and miscellaneous income of 3,412,000 dollars recorded for the biennium 1998-1999, the estimated unencumbered balance of 2,500,000 dollars gross (2,227,000 dollars net) for 2000 and the estimated income of 77,200 dollars for 2001, which shall be set off against the aggregate amount of the appropriation, as detailed in the annex to the present resolution;

11. *Decides further* to apportion the amount of 48,312,450 dollars gross (42,695,300 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2001;

12. *Decides* to apportion the amount of 48,312,450 dollars gross (42,695,300 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2001;

13. *Decides also* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 11 and 12 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 11,234,300 dollars approved for the International Tribunal for the Former Yugoslavia for 2001.

Annex

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
Proposed budget for 2001 (A/55/517 and Corr.1)[a]	112 464 300	100 180 800
Less:		
Recommendations of the Advisory Committee (A/55/642)	(3 976 600)	(3 736 900)
Estimated appropriation	108 487 700	96 443 900
Add:		
Estimated unencumbered balance for 1999 that was taken into account and reduced from the assessment for 2000 (resolutions 54/239 A and B)	8 200 000	8 200 000
Less:		
Actual unencumbered balance for 1999	(14 073 600)	(13 614 300)
Interest and other miscellaneous income for the biennium 1998-1999 as at 31 December 1999	(3 412 000)	(3 412 000)
Estimated unencumbered balance for 2000	(2 500 000)	(2 227 000)
Estimated income for 2001	(77 200)	
Balance to be assessed for 2001	96 624 900	85 390 600

	Gross	*Net*
	(United States dollars)	
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2001	48 312 450	42 695 300
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2001	48 312 450	42 695 300

[a] The amount does not include provisions sought for ad litem judges (A/55/517/Add.1).